

WAIVING POINTS OF ORDER AGAINST THE CONFERENCE REPORT TO ACCOMPANY H.R. 5441, DEPARTMENT OF HOMELAND SECURITY APPROPRIATIONS ACT, 2007; PROVIDING FOR CONSIDERATION OF S. 3930, MILITARY COMMISSIONS ACT OF 2006; PROVIDING FOR CONSIDERATION OF H.R. 4772, PRIVATE PROPERTY RIGHTS IMPLEMENTATION ACT OF 2006

SEPTEMBER 28, 2006.—Referred to the House Calendar and ordered to be printed

Mr. SESSIONS, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1054]

The Committee on Rules, having had under consideration House Resolution 1054, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution waives all points of order against the conference report to accompany H.R. 5441, the Department of Homeland Security Appropriations Act, 2007, and against its consideration. The rule provides that the conference report shall be considered as read.

The resolution further provides for the consideration of S. 3930, the Military Commissions Act of 2006, under a closed rule. The rule provides one hour of debate in the House, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides one motion to commit S. 3930.

Finally, the resolution provides for consideration of H.R. 4772, the Private Property Rights Implementation Act of 2006, under a closed rule. The rule provides one hour of debate in the House equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary. The rule waives all points of order against consideration of the bill. The rule provides that the amendment in the nature of a substitute as reported by the Committee on the Judiciary shall be considered as adopted.

The rule provides one motion to recommit H.R. 4772 with or without instructions.

EXPLANATION OF WAIVERS

The waiver of all points of order against the conference report to accompany H.R. 5441 is necessary because the conference report was filed with the House on Thursday, September 28, 2006 and it may be considered by the House as early as Friday, September 29, 2006, which would violate clause 8 of rule XXII (requiring a three-day layover of conference reports and the accompanying joint explanatory statement).

The Committee on Rules is not aware of any points of order against consideration of S. 3930. The waiver of all points of order against consideration of S. 3930 is prophylactic in nature.

The waiver of all points of order against consideration of H.R. 4772 includes a waiver of H. Res. 1000 (relating to a list of earmarks contained in the bill or report thereon). The Committee believes this waiver to be technical in nature as a review of the bill and report did not reveal any earmarks within the meaning of H. Res. 1000, and the Committee on the Judiciary failed to include a statement to that effect.